APPENDIX VI.

Statement of Government Business not taken up for want of time.

Bills to regulate the Working of Cotton Ginning and Pressing Factories in the State.

STATEMENT OF OBJECT AND REASONS.

The Government of India have recently framed on the recommendation of the Indian Central Cotton Committee an Act called "The Cotton Ginning and Pressing Factories Act, No. XII of 1925," with the object of putting the cotton trade in a position to protect itself against such malpractices as damping, mixing and adulteration in the ginning and pressing factories.

As a result of the important breeding work on cotton on the Babbur Farm, two superior varieties of cotton (*Sanna hatti* and *Dodda hatti*) have been evolved in the State and their introduction is expected to considerably improve the quality of the Mysore cotton. It is considered that a Regulation on the lines of the Government of India Act will serve to help the introduction of an improved variety of cotton in the State and to keep up its reputation.

A draft Bill on the lines of the British Indian Act has accordingly been prepared. The proposed legislation will put the trade in a position to protect itself, by providing for the making of bales and the record of ownership and by providing further that unmarked bales are not tenderable in fulfilment of a contract, if marked bales are demanded by the purchaser. The Bill also makes provision for the maintenance of registers for statistical returns, for the use of correct scales and weights and for the structural improvement of ginning and pressing factories. The obligations imposed on the factory owners are not of a very onerous character. The Bill merely requires the factory owners to do only that which many factories properly organized already do in their own interests. A recognised press-mark will, in course of time, become an important asset to a good pressing factory.

The Director of Agriculture and the Board of Industries and Commerce who were consulted have expressed themselves in favour of the introduction of the legislation in question.

STATEMENT OF GENERAL PRINCIPLES OF THE BILL.

This legislation is mainly on the lines of "The Cotton Ginning and Pressing Factories Act, No. XII of 1925," of the Government of India. The Bill aims at putting the cotton trade in a position to protect itself against such malpractices as damping, mixing and adulteration in the ginning and pressing factories.

The Agricultural Department of the State has successfully evolved two superior varieties of cotton (*Sanna hatti* and *Dodda hatti*) whose introduction in the State is expected to considerably improve the quality of the Mysore cotton. It is considered that a Regulation on the lines of the Government of India Act will serve to help the introduction of an improved variety of cotton in the State and to keep up its reputation.

Enquiries have shown that the mixing is done after the cultivator has sold his cotton and that it is done mainly in the ginning and pressing factories. The proposed legislation deals therefore with only factory owners.

THE OBLIGATIONS IMPOSED ON THE FACTORY OWNERS.

(1) Under the proposed legislation, every owner of a pressing factory is bound to have all the bales pressed in the factory marked, before they are removed from the press house, in a prescribed manner, with a serial number and with a mark prescribed for the factory.

(2) Most of the presses are even now in the habit of using their own marks and such marking will be made obligatory under the proposed Regulation.

(3) The factory owner will be required to have records maintained of all bales pressed with particulars of persons for whom they are pressed. Here also the obligation which will be imposed by the Regulation will be nothing new as most presses already maintain records of all cotton pressed, especially when they press for more than one client.

(4) Every gin-owner will be required to maintain a record of all cotton ginned and for whom it is ginned.

Both will be required to produce their records or copies of any entries therein if called upon to do so by the authorities that may be appointed by the Government.

The following are some of the additional features of the Bill:—

1. All pressing factories should submit periodical returns of the number of bales pressed.

2. In ginning and pressing factories, only recognised weight shall be used.

3. New factories should comply with certain requirements regarding structural improvements. On account of the faulty construction of several factories, the cotton ginned in them is seriously damaged. It is, therefore, provided that the construction of all future factories should conform to certain standards.

A Bill to provide for the better Regulation of Cotton Ginning and Cotton Pressing Factories.

Whereas it is expedient to provide for the better regulation of cotton ginning and cotton pressing factories, it is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Regulation may be called the Cotton Ginning and Pressing Factories Regulation, 192 .

(2) It extends to the whole of Mysore.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

Definition.

2. In this Regulation, unless there is anything repugnant in the subject or context—

(*a*) "Bale" means any pressed package of cotton of whatever size or density;

(*b*) "Cotton" means ginned or unginned cotton, or cotton waste;

(*c*) "Cotton ginning factory" means any place where cotton is ginned or where cotton fibre is separated from cotton seed by any process or whatever involving the use of steam, water or other mechanical power or of electrical power;

(*d*) "Cotton pressing factory" means any factory as defined in the Mysore Factories Regulation, No. III of 1914, in which cotton is pressed into bales;

(*e*) "Cotton waste" means droppings, strippings, fly and other waste products of a cotton mill or of a cotton

ginning factory or of a cotton pressing factory, but does not include yarn waste;

(*f*) "Occupier" includes a managing agent or other person authorised to represent the occupier;

(*g*) "Prescribed" means prescribed by or under rules made under this Regulation.

Maintenance of Registers.

3. (1) The owner of every cotton ginning factory shall cause to be maintained at the factory in such form, if any, as may be prescribed, a ginning register containing a record of all cotton ginned in the factory and of the names of the persons for whom and the dates on which the cotton has been ginned and of the amount ginned for each person.

(2) The owner of every cotton pressing factory shall cause to be maintained at the factory in such form, if any, as may be prescribed, a press register containing a daily record of the number of bales pressed in the factory, the serial number of each bale, and the name of the persons for whom it has been pressed.

(3) The owner or the person in charge of a cotton ginning or cotton pressing factory shall be bound to produce any ginning register or press register maintained under this section or a copy of any entry therein certified as correct by the owner or person in charge of the factory, when required to do so by any person appointed by the Government in this behalf.

(4) No register required to be maintained by this section shall be destroyed until after the expiration of three years from the date of the last entry therein.

(5) If, (*a*) in any factory any register required by this section to be maintained is not maintained or is maintained in any form other than the form, if any, prescribed for the purpose, or

(*b*) any entry in any such register is proved to be false in any material particular, or

(*c*) any such register is destroyed before the expiration of the period referred to in Sub-Section (4), the owner of the factory shall be punished with fine which may extend to fifty rupees or, if he has previously been convicted of any offence under this sub-section, to five hundred rupees.

(6) If the owner or the person in charge of any factory fails to produce any register, or to furnish a certified copy (of any entry), when required to do so under Sub-Section (3) or furnishes a certified copy (of an entry).

knowing or having reason to believe such copy to be false, he shall be punished with fine which may extend to fifty rupees, or, if he has previously been convicted of any offence under this sub-section, to five hundred rupees.

Marking of Bales.

4. (1) The owner of every cotton pressing factory shall cause every bale pressed in the factory to be marked in such manner as may be prescribed, before it is removed from the press house, with a serial number and with the mark prescribed for the factory.

(2) If any bale is removed from the press house of any cotton pressing factory without having been marked as required by Sub-Section (1) the owner of the factory shall be punished with fine which may extend to fifty rupees.

Returns.

5. (1) The owner of every cotton pressing factory shall submit to the prescribed authority, within such time and in such form as may be prescribed, weekly returns showing the total number of bales of cotton pressed during the preceding week and from the commencement of the season to the end of that week, and the approximate average net weight of the bales pressed in that week.

(2) The Government shall compile from the weekly returns and shall publish a statement showing the total number of bales pressed in the State during the week and from the commencement of the season to the end of the week, to which returns relate ;

Provided that the number of bales pressed in any individual factory shall not be published.

(3) If default is made in submitting any return as required by Sub-Section (1), the owner of the factory shall be punished with fine which may extend to fifty rupees.

(4) Where the owner of a cotton pressing factory has notified to the prescribed authority that the work of pressing bales in that factory has been suspended, it shall not be necessary for the owner to submit returns under Sub-Section (1) until such work has been resumed.

Explanation.—In this section "season" means the period notified in this behalf by Government in the Official Gazette.

Scales and Weights.

6. (1) No scales or weights shall be used in any cotton ginning or cotton pressing factory other than the scales or weights, if any, prescribed by the

Government as standard for the district in which the factory is situated.

(2) If, in any factory any scale or weight is used in contravention of the provisions of Sub-Section (1), the owner of the factory shall be punished with fine which may extend to fifty rupees or, if he has been previously convicted of any offence under this sub-section, to five hundred rupees.

Liability of Lessee as owner.

7. (1) Where the owner of a cotton ginning or pressing factory has leased the factory for a period of not less than one month in the case of a cotton ginning factory, or three months in the case of a cotton pressing factory, and the lessor retains no interest in the management or profits of the factory and notice of the lease has been given by the lessor and the lessee to the prescribed authority, the lessee shall be deemed to be the owner of the factory from the date of the notice and for the period of the continuance of the lease, for the purposes of Section 3, in respect of the registers maintained or to be maintained from that date and for that period, and for the purposes of Sections 4, 5 and 6.

(2) On the termination of the lease, the lessee shall hand over to the lessor the registers maintained under Section 3, and the lessor shall forthwith report to the prescribed authority any default of the lessee in complying with the provisions of this sub-section or in maintaining the registers in accordance with the provisions of Section 3.

(3) If default is made in handing over any register or making any report as required by this section, the lessor, or the lessee, as the case may be, shall be punished with fine which may extend to fifty rupees.

Liability on transfer of ownership.

8. (1) On a transfer of the ownership of a cotton ginning or pressing factory, the transferrer shall hand over to the transferee the registers maintained under Section 3, and the transferee shall forthwith report to the prescribed authority any default of the transferrer in complying with the provisions of this sub-section or in maintaining the registers in accordance with the provisions of Section 3.

(2) If default is made in handing over any register or making any report as required by Sub-Section (1), the transferrer or the transferee, as the case may be, shall be punished with fine which may extend to fifty rupees.

Structural Requirements for Factories.

9. (1) In the case of cotton ginning factories the construction of which is commenced after the commencement of this Regulation, (*a*) gin-houses shall be provided with separate entrances and exits for the bringing in of unginned and the taking out of the ginned cotton respectively, and (*b*) the factories shall be constructed in accordance with plans and specifications approved by the prescribed authority;

Provided that nothing in this sub-section shall apply to any factory in which only roller gins are used where the number of such gins is not more than four.

(2) Within such period after the commencement of this Regulation as may be prescribed, the owner of every cotton pressing factory in which cotton is handled on the ground-floor shall cause the press-house to be paved or provided with other suitable flooring to the satisfaction of the prescribed authority.

(3) If the owner of any factory fails to comply with any provision of this section which is applicable to the factory, he shall be punished with fine which may extend to one hundred rupees.

(4) (*a*) Where the owner of a factory has been convicted under Sub-Section (3), the prescribed authority may serve on the owner of the factory an order in writing directing that such alterations shall be made in the factory, before a specified date, as in the opinion of the said authority are necessary to secure compliance with the provisions of Sub-Section (1) or Sub-Section (2), as the case may be.

(*b*) Where the alterations are not made in accordance with the order served under clause (*a*) of this sub-section, the prescribed authority may serve on the owner and on the occupier, if any, of the factory, an order in writing directing that the work of ginning or pressing cotton in such factory shall be suspended until the alterations have been made in accordance with the order served under clause (*a*) of this sub-section and the owner and the occupier, if any, shall be jointly and severally liable to a fine which may extend to fifty rupees for each day on which cotton is ginned or pressed in the factory in contravention of the order served under this clause.

Liability of Officers of a Company.

10. Where the person guilty of an offence under this Regulation is a company, every director, manager, secretary and other officer thereof who is knowingly

a party to the default shall also be guilty of the like offence and liable to the like punishment.

Cognizance of Offences.

11. (1) No prosecution under this Regulation shall be instituted except by or with the previous sanction of the District Magistrate or a Magistrate of the First Class specially empowered in this behalf by the Government.

(2) No offence punishable under this Regulation shall be tried by any court inferior to that of a Magistrate of the First Class.

Power of the Government to make Rules.

12. (1) The Government may make rules to carry out all or any of the purposes of this Regulation not inconsistent therewith.

(2) In particular and without prejudice to the generality of the foregoing power, the Government shall have power to make rules to provide for:

(*a*) the allotment of a special mark to be used by each pressing factory for the purpose of the marking of bales;

(*b*) the manner in which bales shall be marked;

(*c*) the manner in which the weekly statements referred to in Section 5 shall be published;

(*d*) the forms in which registers, records and returns are to be maintained or submitted, and the inspection of records and registers;

(*e*) the appointment of the authority to whom and the time within which the returns required by Section 5 shall be made;

(*f*) the weights and scales to be used in cotton ginning and cotton pressing factories in any district in the State and the inspection of the same;

(*g*) the appointment of authorities for the purposes of Sections 7, 8 and 9;

(*h*) the manner of service of orders made under Section 9;

(*i*) the powers of entry and inspection which may be exercised by District Magistrates or by any officer specially empowered in this behalf by the Government;

(*j*) any other matter which is to be or may be prescribed or for which provision is necessary in order to carry out the purposes of this Regulation.

Power to reject unmarked Bales in fulfilment of Contracts.

13. After the expiration of one year from the commencement of this Regulation, any person who has made a contract for the purchase of baled cotton may

require that no bales other than bales marked in accordance with Section 4 shall be supplied in fulfilment of such contract, and, if he does so require, no bale not so marked shall be tendered in fulfilment of the contract;

Provided that nothing in this section shall apply to a contract for the sale and delivery of cotton grown before or less than one year after the commencement of this Regulation.

Protection for acts done under Regulation.

14. No suit or other legal proceeding shall be instituted against any person in respect of anything which is in good faith done or intended to be done under this Regulation.

Statement of General Principles of the proposed measure to empower the Municipalities and Village Panchayats to take the Census of Children in the areas where Compulsory Education is introduced.

Paragraphs 13 and 14 of the Rules issued under the Elementary Education Regulation require the Deputy Commissioners and the Presidents of Municipal-Councils in rural and urban areas respectively in which that Regulation is introduced to get prepared lists of children of the compulsory school-going age in the area for purposes of working the Regulation. It has been brought to notice that this duty is now not regularly done and that in consequence it has been found difficult to apply effectively the provisions of the Elementary Education Regulation in the areas in which it is introduced. It would appear that there is at present no legal provision under which this duty of taking the census may be enforced on the local authorities responsible. The places where the Elementary Education Regulation is introduced are mostly either Village Panchayats or Municipal areas. In regard to the former, it is found that there is no provision in the Village Panchayat Regulation making it the duty of Panchayats to carry out such census. In regard to the latter, there is a provision in Section 178 of the Municipal Regulation empowering Government to require the Municipality to do such duties as are imposed upon the Municipalities by the Municipal Regulation or under other enactments having the force of law and on their failing to do so, to have the duties carried out and recover the cost from the Municipalities concerned. The duty of taking census is not one of the duties specifically imposed upon the Municipalities by the Municipal Regulation. It is considered doubtful whether

this duty can be imposed on them by the rules framed by Government in exercise of the powers conferred under the Elementary Education Regulation. The provision of Section 178, therefore, does not unambiguously apply to this particular duty. Both in the case of the Village Panchayats and Municipalities, therefore, it has been considered necessary to take power for the above purpose. A note explaining the principles of certain legislation which it was intended to undertake on this account was placed before the last session of the Representative Assembly. As legislation on the lines then contemplated was not, however, pushed through and as the Assembly has in the meanwhile been reconstituted, the matter is again placed before the House. It is now proposed to slightly modify the lines of legislation as previously contemplated. Instead of leaving the duty of taking the census to the local bodies and taking power to get it done and recover the cost of it only on their failure to take the census, it is now intended to give the work of taking the census to the officers of the Education Department and only recover the cost of the census from the local bodies concerned. The idea is that the Attendance Officers in each locality will, with the help of the school masters and such officials of the local body as may be available carry out the census more conveniently and with little cost. It is expected that the cost in each case will be so small that the local bodies will have no objection to meet it. It is proposed to amend Section 54 of the Municipal Regulation and Section 20 of the Village Panchayat Regulation accordingly.